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**Committee on the Peaceful Uses of Outer Space**

# Definition and delimitation of outer space: views of States members and permanent observers of the Committee

**Note by the Secretariat**

**Addendum**

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# II. Replies received from States members of the Committee

## Czechia

[Original: English]
[15 December 2017]

Czechia acknowledges that defining outer space and delimiting airspace and outer space is convenient, as doing so would bring legal certainty to the conduct of airspace and outer space activities. However, the constant progress of technology does not facilitate reaching agreement on fixed definitions recognized by the international community as a whole; rather, it requires a flexible approach.

Should States establish their own definitions of outer space and delimitations of airspace by designating the upper limits of their sovereignty in their national legislation, it could lead to legal uncertainty and differences when applying respective legal regimes.

Therefore, Czechia supports the idea of keeping the issue under consideration and not insisting on its immediate resolution.

Czechia maintains that outer space activities should be governed by space law, whereas airspace activities should be governed by air law. In that respect, a definition or interpretation of "space object", "space activities" and other related terms would enable the appropriate application of respective legal regimes.

## South Africa

[Original: English]
[12 December 2017]

South Africa distinguishes between activities undertaken in its national airspace and those in outer space through legislation covering both areas (see A/AC.105/865/Add.20), owing to differences in activities and technological capabilities relating to those spaces.

Airspace activities in South Africa are governed by the Department of Transport under the Civil Aviation Act of 2009 (Act No. 13 of 2009), whereas the country's outer space activities are governed by the Department of Trade and Industry under the Space Affairs Act of 1993 (Act No. 84 of 1993). The latter legislation is currently under review by the Government. In relation to outer space activities, the Space Affairs Act provides a definition of the term "outer space" (see A/AC.105/865/Add.20). The Space Affairs Act also provides definitions of the terms "space object" and "launching". In that regard, the nature of a given activity determines which law is applicable, rather than the altitude at which the activity takes place.

Owing to rapid developments in technology, which have enabled suborbital flights, there is a possibility that the boundary between airspace and outer space could be blurred. Although there is a need to define and delimit outer space, there is an even greater need to establish a legal regime that minimizes uncertainty with respect to the distinction between airspace and outer space.